IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 10499 of 2005

Between:

I.Baya Reddy, S/o.I.Venkata Subba Reddy,
R/o.P.T.M.Road, Mulakala Chervuvu, Mandal Ananthapur District.

..... PETITIONER

AND

1 The Depot Manager, APSRTC, Kadiri Depot Kadiri, Ananthapur Dist.
2 The Divisional Manager, APSRTC, Hindupur, Ananthapur.
3 The Regional Manager, APSRTC, Anantapur Dist. Ananthapur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ or order or orders or direction more particularly one in the nature of writ of Mandamus declaring the proceedings No.02/62(43)90-KDR dated 11-7-1990 of the 1st respondent imposing major penalty without enquiry and confirming the same by the 2nd respondent vide proceedings No.PA/20(151)/93-DVM.HDP dated 9-12-1993 and the proceedings No.PA/99(112)94-RM.A dt.9-8-1995 of the 3rd respondent as illegal, arbitrary, unjustified, unsustainable contrary to law and in violation of principles of natural justice and set-aside the same and consequently direct the respondents to add two annual increments to the pay of the petitioner and pass such other and further order or orders, as this Hon'ble court may deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.VARA PRASAD RAO

Counsel for the Respondent Nos.1 to 3: MR.P.VINAYAKA SWAMY

The Court made the following :

ORDER:

The writ petition is filed questioning the imposition of punishment of deferment of two increments with cumulative effect, without conducting the departmental enquiry against the petitioner by the respondents.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

It is not in dispute that the punishment has been imposed on the petitioner without conducting any departmental enquiry. It is well settled that imposition of major punishment must be preceded by a regular departmental enquiry.

Having regard to the facts and circumstances of the case, the major punishment of deferment of annual increments for a period of two years with cumulative effect imposed by the 1st respondent can be reduced with slight modification.

Therefore, the impugned order of punishment is modified as deferment of two annual increments without cumulative effect.

The writ petition is disposed of accordingly. No costs.

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29-04-2005

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Copy to

1 The Depot Manager, APSRTC, Kadiri Depot Kadiri, Ananthapur Dist.
2 The Divisional Manager, APSRTC, Hindupur, Ananthapur.
3 The Regional Manager, APSRTC, Anantapur Dist. Ananthapur.

4 Two CD copies.